

**BY-LAWS**  
**WEARE CONSERVATION COMMISSION**  
**Adopted January 14, 2004**  
**Last Revision: June 8, 2005**

I. PURPOSE AND AUTHORIZATION

The Weare Conservation Commission (WCC) was established by vote of the Weare Town Meeting in March 1967 pursuant to RSA 36-A.

II. NAME

The name of the organization shall be the "Weare Conservation Commission" (WCC)

III. MEMBERSHIP AND TERMS OF OFFICE

- A. Appointment of Members: A full Commission shall consist of seven members, appointed by the Board of Selectmen. A Selectman will act as an ex-officio member with no power to vote. The appointment of members shall conform to terms and requirements of RSA 36-A.
- B. Alternates: The Board of Selectmen may appoint, in addition to regular members, alternate members who may serve upon designation by the Chair in place of a regular member in the event of absence or disqualification. The terms for alternates shall be the same as for regular members.

IV. OFFICERS AND THEIR DUTIES

- A. Election of Officers: The WCC shall elect, by a majority vote at its March meeting, the following officers from among its membership. The term of each officer shall be one year, and any officer may be eligible for re-election.
  - 1. Chair: The Chair shall preside at all meetings and hearings of the WCC and shall have the duties normally conferred on such officers. The Chair shall appoint such Committees as directed by the WCC, including one member of the WCC who shall act as Coordinator of such Committees. As directed by the WCC, the Chair may affix his/her signature in the name of the WCC to all approved plans and all correspondence from the WCC. The Chair shall approve the agenda for all regular and special meetings of the WCC. In the absence of administrative staff, the Secretary, or appointed member, shall be responsible for the records of the meeting.
  - 2. Vice-Chair: The Vice-Chair shall act for the Chair in his/her absence and shall adhere to all requirements set forth for the Chair.
  - 3. Secretary: The Secretary shall record the minutes of the meetings. The Secretary shall act as Chair in the absence of the Chair and Vice-Chair and, in such instances, shall affix his/her signature to all plans approved by the WCC on behalf of the WCC. In the absence of the Secretary, the WCC may appoint another member to act as Secretary.

V. MEMBERS AND THEIR DUTIES

- A. Active Members: Active Members are expected to attend all regular and special meetings, work sessions, public hearings, and joint meetings conducted by the WCC. If a member cannot be present at any meeting they shall notify the WCC Chair prior to the meeting of his/her inability to attend. In the absence of a regular member, the Chair shall appoint an alternate from among those alternate members present to act in the place of the absent

member. If a member is late to arrive for a meeting, the Chair shall appoint an alternate member from among those alternate members present to act in the place of the absent member until the agenda item is completed. Upon the start of a new agenda item, the regular member may take his/her seat on the WCC replacing the alternate member.

If a member chooses to step down from the WCC for a particular agenda item, the Chair shall appoint an alternate from among those alternate members present to act in the place of the member for that agenda item. Upon start of a new agenda item, the member may take his/her seat on the WCC replacing the alternate.

- B. Alternate Members: Alternate members are expected to attend all regular and special meetings, work sessions, public hearings, and joint meetings conducted by the WCC. If an alternate member cannot be present at any meeting he/she shall notify the WCC Chair prior to the meeting of his/her inability to attend.

Alternate Members may participate in questioning the applicants or discussing the plans but will not vote unless they have been appointed to act as a member of the hearing as described in paragraph V.(A).

## VI. MEETINGS

- A. Regular Meetings: Regular meetings of the WCC shall be held at least once monthly and shall be open to the public. Meetings shall not be held on Sundays or legal holidays. The following general rules of procedure shall govern the conduct of such meetings:
1. Quorum Required: A majority of the current active membership of the WCC shall constitute the quorum necessary in order to transact business at any meeting.
  2. Notice of Meetings: Notice of the time, date and place of any public meeting of the WCC shall be posted in two public places at least 24 hours in advance, excluding Sundays and holidays, prior to the meeting.
  3. Records Required: Minutes of the events of the meeting shall be taken and shall include the names of members in attendance, persons appearing before the WCC, a brief description of the topics discussed, and a record of any actions taken, including results of site walks taken by the WCC (see Record of Decision below). Such minutes shall be available for public inspection within 144 hours in accordance with RSA 91-A. Minutes of Non-Public Session shall conform to the requirements of RSA 91-A:3.
  4. Process for Application Review: The order of business shall be in general accordance with the agenda. The following order of business will be followed for each application to the WCC unless otherwise determined by the Chair:
    - a. Chair will announce agenda item and application to be considered.
    - b. Applicable background information, letter of request, minutes of previous meetings, etc., may be read aloud.
  5. Order of Business for Regular Meetings:
    - a. Chair will open the public hearing.
    - b. Applicant will present his/her plan to the WCC.
    - c. Chair will read technical reviews provided by consultant to the WCC.
    - d. WCC members question applicant.
    - e. Chair will read all other correspondence such as letter from abutters, etc.
    - f. Chair will solicit testimony from abutters and/or other interested persons. (Note: All persons giving testimony to the WCC will provide his/her name and address to the Secretary for inclusion in the record.)
    - g. Final questions of applicant from the WCC.

- h. Chair will close the public hearing.
  - i. A motion will be made by a member of the WCC to recommend approval of or disapprove of, or to table action on the application/plan. (Note: If a plan is recommended for approval with conditions precedent, the conditions shall be noted in the records and correspondence shall be sent to the New Hampshire Wetlands Bureau.
- 6. Voting: A motion, duly seconded, shall be passed by a majority of members present, voting in the affirmative, once a quorum has been established. After all discussion of the motion by WCC members has been completed, the Chair will call for a vote on the motion by the WCC. If the vote is not unanimous, the minutes of the meeting shall indicate members by name who are in favor, opposed or abstaining. The Chair shall not make motions or vote except in the event of a tie. The Chair shall have the right to cast the deciding vote or abstain in this instance. If the presence of the Chair constitutes the number of active members required to form a quorum, the Chair shall have regular voting rights, however, shall not make motions.
- 7. Absent Applicant: If no applicant or duly authorized representative is present at a hearing when the Chair announces the agenda item to be considered, a member of the WCC may make a motion to table the application to the next available Regular Meeting or request the State Wetlands Bureau to hold their review for 40 days to allow review by the WCC. If there is a second occurrence of non-representation at any time during the course of the same application where there is no applicant or duly authorized representative present when the Chair announces the agenda item, a member of the WCC may make a motion to recommend denial the application based on lack of representation and the denial shall be noted as such.
- B. Work Sessions: Work Sessions of the WCC shall be held as required and shall be open to the public. Work Sessions will primarily focus on committee work and general planning. A Work Session agenda may include continued hearings and/or other business from Regular Meetings in the Work Session agenda. Typically, such business would involve matters requiring little discussion or debate. Work Session procedures will follow the guidelines of VI. A. 1-3. Any votes taken during a Work Session will follow the guidelines of VI. A. 4, 5 & 6 as applicable.
- C. Annual Meeting: An annual organizational meeting shall be held at the first Regular Meeting or Work Session following the close of Town Meeting, but not later than thirty days following the close of Town Meeting. The purpose of the annual meeting will be to elect officers and to review the by-laws which shall be made a part of the minutes of the meeting.
- D. Sitewalks: Any WCC Member may make a motion for the WCC to conduct a sitewalk in order to verify information provided by the applicant, abutters or other interested parties. The time and date of the sitewalk will be decided during the discussion of the motion before voting. Sitewalks will be considered a continued hearing. Whenever a quorum of the WCC exists for a sitewalk, the Secretary or designee will provide a brief summary of events and observations for inclusion in the minutes of the next Regular Meeting or Work Session.
- E. Master Plan: The WCC will assist the Weare Planning Board, as requested, with the Master Plan review and update

## VII. PUBLIC HEARING

- A. Public Hearing Required: A public hearing shall be held for all Wetland Permit Applications submitted to the WCC and other requests for review by the Planning Board, Board of Selectmen, Zoning Board or other partners.
- B. Conduct of the Hearing: The Chair or, in his/her absence, the Vice-Chair shall preside at the public hearing and shall:

1. Convene the meeting and read the legal advertisement announcing the date, the time and purpose of the meeting into the record.
  2. Briefly state the manner in which the hearing shall be conducted.
  3. Call upon the applicant or sponsor of any proposal to present the proposal.
  4. Read any written testimony received concerning the proposal into the record.
  5. Call upon those appearing in favor of, or in opposition to, the proposal to direct questions or comments to the Chair.
  6. Call the hearing to a close, as appropriate, outlining the WCC's anticipated procedure concerning the proposal.
- C. Record of Hearing: A public record of the proceedings shall be taken in writing and incorporated into the WCC's minutes. The hearing shall also be recorded by a sound-recording device and such recording shall be kept on file as part of the public record until the minutes of said meeting are adopted.

#### VIII. JOINT MEETINGS AND HEARINGS

- A. Request for Joint Meetings: The WCC or any applicant or any other land use Board, Organization or Commission may request a joint meeting or hearing of the Commissions and/or Boards on any topic common to their respective jurisdiction. Each Board/Commission shall have the discretion as to whether or not to hold a joint meeting with another Board/Commission unless mandated by the Board of Selectmen.
- B. Chair of Joint Meetings: The Chair of the Board calling the Joint Meeting Shall Chair any joint meeting. The Chair shall follow the general rules of conduct outlined in the by-laws of that Board or Commission.
- C. Notices of Decision: Each Board/Commission participating in the joint meeting or hearing shall be responsible for providing notice, filing minutes and decisions, and for rendering and issuing decisions, as appropriate, for the subject matter within its jurisdiction, as prescribed for that Board/Commission by statute, local ordinance or other rules of procedure.

#### IX. STAFF AND FINANCES

Within the limits of funding made available for its use by the Town Meeting and in accordance with RSA 36-A, the WCC may employ such staff personnel and/or consultants as it may require to aid the WCC in its work. Appointments shall be made by a majority of the members present at any regular or special meeting at which a quorum has been established. The Chair may be authorized to sign contracts for employing personnel and contracting for consulting services as approved by the WCC. The Chair may authorize expenditure of funds within review and approve its annual budget prior to submittal of the budget to the Board of Selectmen.

#### X. PUBLIC RELATIONS

The Chair or a duly appointed WCC member or staff personnel may be authorized by the WCC to act as the principal public relations contact for the WCC. Duties shall be as prescribed by the WCC.

#### XI. COMMITTEES

The Chair may appoint special committees for purposes and terms approved by the WCC.

XII. APPLICATIONS AND FORMS

- A. Applications: Applications for alterations to wetlands shall be completed in accordance with the current standards set forth by the New Hampshire Wetlands Bureau.
- B. Submission of Applications: No application shall be placed upon any agenda for review at a regular meeting of the WCC unless the application is received by the Conservation Commission no later than the Friday preceding the next scheduled meeting.
- C. Review by the WCC Required: In every instance where a submission of a plat or any other document is made to the WCC by a property owner or his/her duly authorized agent, in writing, and whether WCC approval is required or not, the plat or other document shall be reviewed by the WCC for its consideration.

XIII. AMENDMENTS

- A. Amendments: These by-laws may be amended at any Regular Meeting or Work Session of the WCC by a majority vote of the WCC.
- B. Filing with the Town Clerk: These by-laws and any amendments thereto shall be placed on file with the Town Clerk for public inspection. A complete set of by-laws, as amended, shall also be attached to the minutes of the WCC's annual organizational meeting and kept on file. Updated by-laws will be available at the WCC web site.
- C. Effective Date: These by-laws and any subsequent amendments shall become effective immediately upon passage by the WCC as recorded in the minutes of the meeting at which such action occurs.